

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Azael Dythian Perales,)	C/A No. 3:12-957-JFA-SVH
)	
Plaintiff,)	
v.)	ORDER
)	
Microsoft Corporation, et al.)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff brings this civil action *pro se*, and *in forma pauperis*. The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the complaint is frivolous and subject to summary dismissal in violation of the Fed. R. Civ. P. Rule 8(A). The Magistrate Judge also suggests that as a result of the plaintiff's frivolous pleading, this court should deny plaintiff's motion for leave to proceed *in forma pauperis*. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

On April 30, 2012, the plaintiff was mailed a copy of the Report and Recommendation, which was filed on that same day, and advised of his right to file objections to the Report. The plaintiff did not file objections to the Report and the time

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).


within which to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, the Report was returned by the United States Postmaster with handwritten notes on the envelope, presumably from the plaintiff, that state, “Postmaster Donahoe Return to Sender Undeliverable Mail Fraud Refused.”

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, plaintiff’s motion to proceed in forma pauperis is denied and this action is dismissed with prejudice.

IT IS SO ORDERED.

May 21, 2012
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge